IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No.305 of 1999(A)

CRL.A.182/1996 OF THE COURT OF THE ADDITIONAL SESSIONS JUDGE, THODUPUZHA.

C.C.349/1993 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-I, THODUPUZHA.

.....

REVISION PETITIONERS/APPELLANTS/ACCUSED:-

---

1. SHAJI, S/O.KUMARAN, THOKKUPURATHU, MUTHIYURUNDAYAR BHAGAM, IDUKKI VILLAGE, THODUPUZHA TALUK.

2. LISSAN, S/O.GEORGE, CHAKKALAKUNNEL, MUTHIYURUNDAYAR BHAGAM, IDUKKI VILLAGE, THODUPUZHA TALUK.

3. BIJU, S/O.GOPALAN PUTEENPURAYIL, MUTHIYURUNDAYAR BHAGAM, IDUKKI VILLAGE, THODUPUZHA TALUK.

4. RAJU, S/O.JOSEPH, POONISSERIL, MUTTHIYURUNDAYAR BHAGAM, IDUKKI VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.C.J.JOY

RESPONDENT/RESPONDENT/COMPLAINANT & STATE:-

---

1. THE FOREST RANGE OFFICER, THODUPUZHA (O.R.78/91 OF FOREST RANGE OFFICE).

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.305 of 1999

Dated, this the 29th day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioners were tried for offences under Sections 27(1)(g) and (2)(c) of the Kerala Forest Act and sentenced to undergo simple imprisonment for four months each on both counts and the above sentences were ordered to run concurrently, vide order dated 30th July, 1996 passed by the Judicial Magistrate of the First Class-I, Thodupuzha. The appeal carried against the order aforesaid was dismissed by the learned Additional Sessions Judge, Thodupuzha vide order dated 27th February, 1999. It is against these orders that the present revision has been filed.

2. The allegation against the petitioners was that on 7.9.1991 they trespassed into the reserve forest at Valiyamavu bhagom in Pannimattam beat within the Thodupuzha Range and Reserve and cut and removed rose wood tree costing Rs.1000/- and thereby caused a loss of Rs.1500/- to the Government.

3. The learned counsel appearing for the petitioners without joining issues on the merits of the case contends that the occurrence pertains to the year 1991 and in the manner aforesaid

the petitioners have already suffered agony of a protracted trial spanned over a period of more than 15 years and at this distance of time they may not be sent to serve a jail term.

4. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioners are rather asked to pay a total fine of Rs.3000/- (Rs.Three thousand) within a period of two months from today, instead of undergoing the jail term. Ordered accordingly. In case the fine as mentioned above is not paid within the time stipulated, the petitioners would undergo the jail term as imposed by the courts below.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns